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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,580	11/01/2001	Yoon Kean Wong	035451-0166 (3704.Palm)	2720

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EXAMINER

ELISCA, PIERRE E

ART UNIT PAPER NUMBER

3621

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/001,580

Applicant(s)  
Yoon Kean Wong et al.

Examiner  
Pierre E. Elisca

Art Unit  
3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 7/15/2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5-25 is/are pending in the application.
- 4a) Of the above, claim(s) 3 AND 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ? is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-25 is/are rejected.
- 7) ☐ Claim(s)          is/are objected to.
- 8) ☐ Claims          are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on          is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on          is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No.         .  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s).
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

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## DETAILED ACTION

### *Response to Amendment*

1. This Office action is in response to Applicant's amendment, filed on 7/15/2002.
2. Claims 3 and 4 are canceled and claims 1-2, 5-25 are pending.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5-7, 10-14, 16-25 are rejected under 35 U.S.C. 102 (b) as being anticipated by Teicher et al. (U.S. Pat. No. 5,933,813).

As per claims 1, 6, 7, 10, 16, 17, 18, 21, 23, 24 and 25 Teicher discloses a data processor system for promoting sales of products includes price storage devices for storing basic price information; criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices (which is seen to read as Applicant's claimed invention wherein it is stated that a system for selling or pricing a product), the system comprising:

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a data collection system configured to collect data relating to the product, including product location ( see., abstract, lines 1-10, specifically wherein it is stated that a data processor for promoting sales of products includes price storage devices for storing basic price information....., please note that the basic price information also includes the basic price of the products);

a pricing system in electronic communication with the data collection system, the pricing system configured to at least one of sell and price the product, based on the product location data (see., abstract, specifically wherein it is stated that a data processor for promoting sales of products includes price storage devices for storing basic price information; criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices. Applicant should duly note that the basic price information also includes sell and basic price of the products and the product location, and also col 1, lines 36-50, col 2, lines 16-34, col 3, lines 52-67, col 4, lines 1-28).

As per claims 2, 12, 13, 14, 20, 22, Teicher discloses the claimed limitation, wherein the price system is in electronic communication with the data collection system via wireless transmitter (see., fig 8, col 6, lines 45-51).

As per claims 5, 11, 19, Teicher discloses the claimed limitation, wherein the data relating to the product is data relating to at least one selected operational parameter (see.,

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abstract, lines 1-4, specifically wherein it is stated that criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices, please note that the predetermined criteria is seen to read as the operational parameter).

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 9 and 15 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Teicher et al. (U.S. pat. No. 5,933,813) in view of Von Kohorn (U.S. Pat. No. 5,227,874).

As per claim 8, 9 and 15, Teicher substantially discloses the claimed limitations as stated in claim 1 above. It is noted that Teicher does not explicitly disclose that the product is an insurance, a warranty, and security system. However, Von Kohorn discloses a method for the evaluation of stimuli such as broadcast commercials intended to promote purchases by shoppers. A prize-winning respondent can select a product from a listing and apply the value of a prize to the purchase price of the selected product. Wherein the term product also includes insurance, warranties, and security (see., Von Kohorn, abstract, col 47, lines 1-9, col 97, lines 64-68, col 98, lines 1-64, col 101, lines 13-19). Accordingly, it would have been obvious to a person of ordinary

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skill in the art at the time the invention was made to modify the teaching of **Teicher** by including the limitations detailed above taught by **Von Kohorn** because it is a routine business practice to provide insurance and warranty for a product.

### **REMARKS**

7. In response to Applicant's arguments, Applicant argues that the prior art of record do not teach or suggest alone or in combination: "a system for selling or pricing a product in electronic communication with a data collection system and having a pricing system that is configured to price a product based on the location of the product", As specified by the Examiner in the Office action mailed on 4/15/2002, this limitation is disclosed by Teicher in the abstract, specifically wherein it is stated that a data processor system for promoting sales of products includes price storage devices for storing basic price information; criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices, applicant should duly note that the price information and the promotion prices can also provide the location of the product, since the promoting sales are stored into the price storage devices (which is seen to read as Applicant's claimed invention wherein it is stated that a system for selling or pricing a product).

b. "receiving data related to a subject that is associated with a risk protection product". However, the Examiner respectfully disagrees because this limitation is disclosed by Teicher in the abstract, specifically wherein it is stated that price storage devices for storing basic price information; criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices,

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Applicant should duly note that the predetermined criteria that is to be used, is the risk factor taken in order to promote sale).

C. “receiving information relating to the product via a remote transmitter”. As specified by the Examiner in the Office action mailed on 7/15/2002, this limitation is disclosed by Teicher in col 6, lines 45-51, wireless communication.

### **CONCLUSION**

8. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner’s supervisor, James Trammell can be reached on (703) 305-9769.

**Any response to this action should be mailed to:**

Commissioner of Patents of Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**OR**

(703) 305-9724, (for informal or draft communications, please label “PROPOSED” or “DRAFT”)


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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,  
Sixth floor (receptionist).

The Official Fax Number For TC-3600 is:



Pierre Eddy Elisca

Patent Examiner

**September 24, 2002**